

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
60023150-0010

First named inventor: Benjamin Herbert

Application No.: 10/533,742

Art Unit: 1656

Filed: March 3, 2006

Examiner: Marsha M. Tsay

Title: EXTRACTION OF A PROTEINACEOUS MACROMOLECULE FROM A BIOLOGICAL SAMPLE

Refund Ref: 0030059367  
08/04/2008

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

Credit Card Refund Total: \$2230.00

Am Exp.: XXXXXXXXXXXX1007

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1540 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Amendment and Response (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_ Adjustment date: 08/04/2008 CKHLOK  
☐ has been paid previously on 02/19/2008 INTEFSW 00004248 10533742  
☐ is enclosed herewith. 03 FC:1255 -2230.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Saul L. Jackson/

Signature

February 15, 2008

Date

Saul L. Jackson

Typed or printed name

52,391

Registration Number, if applicable

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Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

February 15, 2008

Date

Signature

Typed or printed name of person signing certificate

### Conclusion

As it is believed the application is in a condition for allowance, Applicant requests prompt and favorable action.

Applicant requests that the Examiner contact the undersigned attorney by telephone if a discussion would be of benefit toward gaining a rapid allowance of the claims. Applicant encloses herein a petition fee under 37 CFR §1.17(m) for the Petition to Revive, a fee for reply to the Office action in the fifth month under 37 CFR §1.17(a)(5), and a fee for additional claims in excess of 20 under 37 CFR §1.16(i). The Commissioner is hereby authorized to deduct any deficiency or credit any overpayment to Deposit Account No. 19-3140.

Dated: February 15, 2008

Respectfully submitted,

/Saul L. Zackson/  
Saul L. Zackson, Ph.D.  
Reg. No. 52,391  
Customer No. 26263  
Tel: 314.259.5817

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

| REQUEST FOR PATENT FEE REFUND                         |                                   |                             |   |             |   |   |    |   |   |   |   |
|---|-----------------------------------|-----------------------------|---|-------------|---|---|----|---|---|---|---|
| 1 Date of Request: 07/31/08                           |                                   | 2 Serial/Patent # 10/533742 |   |             |   |   |    |   |   |   |   |
| 3 Please refund the following fee(s):                 |                                   | 4 PAPER NUMBER              | 5 DATE FILED  | 6 AMOUNT    |   |   |    |   |   |   |   |
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| 10 REASON:  |                                   | Treasury Check              |   |             |   |   |    |   |   |   |   |
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|   | Duplicate Payment                 |                             | <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">1</td> <td style="width: 20px; text-align: center;">9</td> <td style="width: 20px; text-align: center;">--</td> <td style="width: 20px; text-align: center;">3</td> <td style="width: 20px; text-align: center;">1</td> <td style="width: 20px; text-align: center;">4</td> <td style="width: 20px; text-align: center;">0</td> </tr> </table> |             | 1 | 9 | -- | 3 | 1 | 4 | 0 |
| 1   | 9                                 | --                          | 3   | 1           | 4 | 0 |    |   |   |   |   |
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| <i>No extension of time needed, no fee due</i>        |                                   |                             |   |             |   |   |    |   |   |   |   |
| 11 REFUND REQUESTED BY:                               |                                   |                             |   |             |   |   |    |   |   |   |   |
| TYPED/PRINTED NAME: Diane Goodwyn                     |                                   | TITLE: Paralegal            |   |             |   |   |    |   |   |   |   |
| SIGNATURE: /dgoodwyn/                                 |                                   | PHONE: 571-272-6735         |   |             |   |   |    |   |   |   |   |
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| APPROVED: <i>[Signature]</i>                          |                                   | DATE: 8/4/08                |   |             |   |   |    |   |   |   |   |

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